

In the case at bar, from the evidence as to the character, use and suitability for use of the property, the opinion of the Zoning Commission and the Planning Commission, Petitioners' photographs and other evidence in the case, it is obvious that no "reasonable consideration", nor any consideration at all, was given to the character of the land and its peculiar suitability for particular use at the time the original zoning placed the land in a residential classification. Northwest Merchants Terminal vs. O'Hourke, Supra, at Page 191.

Regarding the change in the character of the neighborhood, there was ample testimony before the Board regarding the Radio Towers, the Electric Transformer Station, the Natural Gas Mixing and Pumping Station, the Lumber Yard, Coal Slidings and other non-residential uses that have come into being since January 2, 1945.

The Protestants have made great efforts to show that the location of the plants at this spot would create a traffic hazard and there was much testimony as to the detrimental effects upon a number of private schools, the closest being about 3/4 of a mile south of this location.

Regarding a similar situation and almost identical testimony in the case of Northwest Merchants Terminal vs. O'Hourke, Supra, the Court stated at Page 192:

"But the hazard of the defendant's warehouses (added to the existing industrial uses both north and south of the railroad) to schools half mile away is fanciful. The most restricted residential neighborhoods are subject to the through traffic of 'heavy trucks' and also to local deliveries, e.g., of oil and from retail stores."

In conclusion, the Petitioners wish to point out the fact that there presently exists a great need for suitable industrial sites in Baltimore County and a particular need for industry in this locality. There has been submitted to this Board, a petition signed by over six hundred residents of this vicinity who recognize that need and are in favor of the rezoning. It is well established that the action of this Board should be based upon

its findings as to the course which will bring about the greatest good for the greatest number. This action should be taken even though there may be some few persons who may, in some manner, suffer from the result. There can be little question but that, in this case, there are decided advantages to the public through the rezoning of this property. From the viewpoint of employment, increased income to the County through taxation and the creation of a demand for low and moderate cost residential real estate in the community, the advantages would be great.

Therefore, the Petitioners respectfully submit that the Order of the Zoning Commissioner should be affirmed.

Michael Paul Smith
Michael Paul Smith

W. Lee Harrison
W. Lee Harrison

ATTORNEYS FOR PETITIONERS

FILED DEC 19 1952

1378

Re: Petition for Reclassification from an "A" Residence Zone to an "F" Industrial Zone - S. S. Painters Mill Road, 4th Dist., Wm. Reisterstown Road and Western Maryland R.R., Jax. C. & Virginia J. Saffell, Petitioners

BEFORE AUGUSTINE J. MILLER

ZONING COMMISSIONER

ORDER FOR APPEAL

Mr. Zoning Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision in the above entitled matter granting the reclassification from an "A" Residence Zone to an "F" Light Industrial Zone.

Robert A. Harrison
Robert A. Harrison
Attorney for Protestants

Filed 12/4/52

#2398

Re: Petition for Reclassification from an "A" Residence Zone to an "F" Industrial Zone - S. S. Painters Mill Road, 4th Dist., Wm. Reisterstown Road and Western Maryland R.R., Jax. C. & Virginia J. Saffell, Petitioners

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Robert A. Harrison
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Attorney for Protestants

Thomas L. Offutt
Benjamin S. Tongue
George J. Ward
Garrison Forrest School, Inc., et al
Protestants

Re: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "F" INDUSTRIAL ZONE
S. S. Painters Mill Road, Wm. Reisterstown Road & Western Maryland Railroad, 4th Dist., Jax. C. & Virginia J. Saffell, Petitioners

The property which is the subject of this petition is located on the south side of Painters Mill Road, between Reisterstown Road and the Western Maryland Railroad. The property fronts 800 feet on Reisterstown Road 700 feet on Painters Mill Road and 1000 feet on the Western Maryland Railroad. It is the intention of the Maryland Oil Company, the contract purchaser, if this reclassification is granted, to construct a building having three hundred thousand square feet on the first floor and one hundred thousand square feet on the second floor for the manufacture of paper cups, paper shaves and fine cream cones. The building will be located approximately 100 feet from the Railroad so as to allow for the construction of a siding between the Railroad and proposed building.

The contract purchaser stated that 90% of the freight involved in the manufacturing process is handled by the Railroad, the remaining 10% of the freight will be handled by truck, eight to ten trucks being involved in the project. It was further stated that a survey of the possible industrial locations was made and that this location was found to be the most suitable from the standpoint of location, transportation facilities and labor supply.

The contract purchaser also stated that in the operation of his business there is the need for water and gas as well as bus transportation for employees. Mr. Lawrence M. Harbrow, vice-president of the Company, stated that all of these services are available. At the present time his Company employs 100 to 150 persons and within the next three to five years it is expected that the number of employees will be from 350 to 500. He stated that there is no odor and no fumes generated by this process and that the noise emanating from the building would hardly be noticeable outside of the building.

Mr. Harbrow stated that it is the intention of his Company to operate on one shift only and that no objectionable lights would be turning at night. The location of the factory building as proposed by the petitioner, provides for a setback of 300 feet from the Reisterstown Road and 85 to 100 feet from Painters Mill Road.

Counsel for the petitioner contends that the property located as it is adjacent to the Railroad, to the Electric Transformer Station and the natural gas line of the Pressure Relief Station and bordering on the heavily travelled Reisterstown Road, the logical use of the property is as proposed by the petitioner.

The residents of the area protest the re-zoning of this property for industrial use giving testimony that such use would have a devastating effect upon the values of their residential properties. Many of these people are long time residents of the area and have through changes have taken place in the form of the Electric Transformer Station, the Pressure Relief Station for the natural gas line and the erection of the Broadcasting and Transmitting Station, it is their contention that the future of this area is for residential and agricultural uses.

A check with the Baltimore County Planning Commission indicates that it is the announced plan of the State Roads Commission to construct the Northwest Expressway beginning at Mahan Avenue and extending in the City, following the Western Maryland Railroad to Coyne Falls to Odessa Mills, and paralleling Reisterstown Road to the Western Pike. The proposed location of the Expressway will be approximately 1500 feet west of the Western Maryland Railroad at Painters Mill Road.

In addition to this proposed Expressway, it is expected that within the near future the outfall sewer to serve the Reisterstown area will be constructed through this section following in general the location of Coyne Falls as far as Odessa Mills. It is felt that the construction of this sewer line, in addition to the construction of the Northwest Expressway, will have a great effect upon the development of this area. In view of this expected increased development it is apparent that the property in question will be used for some purpose other than agricultural, that is, for residential development or for some other use. It appears that the use which is proposed by the petitioner is a desirable one.

There is a great need for the dispersal of industry in the County. In addition to the desirability of dispersal from a defense standpoint, there is also a great need from a civilian standpoint. There is a need for the setting up of light industrial areas to the north, northeast and northwest of the City to provide locations where light industry might locate where transportation and labor are available. Not only are these locations desirable as far as industry is concerned but they are desirable as far as the inhabitants are concerned in that they will provide local employment.

With the increase of traffic problems in the County, it does not seem practical that a person residing in the area herebefore mentioned be required to travel to either the southeastern or southwestern sections of the County or to Baltimore City where extensive industrial areas have been established and where industry is now located.

For these reasons it would appear that the location of a desirable industry on the property in question is logical and reasonable. It is the plan of the contract purchaser to carry on his industrial operations in the rear of the property along the Railroad. The contract purchaser stated that at the present time there are no plans for the use of the Reisterstown Road frontage except for open areas to be used as a lawn and for a planting area. In view of this and to ensure that the residential properties on the east side of Reisterstown Road will be given proper protection against commercial encroachment, the Reisterstown Road frontage to a depth of 150 feet will not be used for industrial use and will remain an "A" Residence Zone.

It is the opinion of the Zoning Commissioner that the reclassification of the remaining portion for Light Industrial use will not be detrimental to the health, safety and general welfare of the community and the reclassification should be had.

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, James S. A. Virginia J. Saffell, legal owner, of the property situated

All that parcel of land in the 3rd District of Baltimore County at the southeast corner Reisterstown Road and Painters Mill Road, thence southeasterly and binding on the south west side of Reisterstown Road 800 feet, thence South 40° 54' West 100 feet, thence South 40° 02' West 100 feet, thence South 40° 54' West 136.88 feet, thence North 68° 02' West 132.09 feet, thence North 70° 40' West 111.66 feet, thence South 02° 24' West 100.00 feet to the northeast right of way of the Western Maryland Railroad, thence binding on said right of way North 33° 54' West 1000.00 feet to the southeast side of Painters Mill Road, thence northeasterly and binding on the southeast side of Painters Mill Road 920.30 feet to place of beginning, being property of James S. & Virginia J. Saffell as shown on plot plan filed with the Building and Zoning Department.

herely petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence Zone to an "F" Light Industrial Zone.

Reasons for Re-Classification:

Size and height of building: front _____ feet, depth _____ feet, height _____ feet.

Front and side set backs of building from street lines: front _____ feet, side _____ feet.

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

James S. A. Virginia J. Saffell
James S. A. Virginia J. Saffell
Legal Owner

Address _____

ORDERED: By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1952, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in the Backed Bldg., in Towson, Baltimore County, on the _____ day of _____, 1952, at 11:00 A.M.

10th _____ day of _____, 1952, at 11:00 A.M.

By _____, Zoning Commissioner of Baltimore County

(over)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#2398

District 3rd Date of Posting 10-29-52
Posted for Ans. to: Respond to an "F" Light Industrial zone.
Petitioner James G. & Virginia S. Saffell
Location of property S.W. Corner Reisterstown & Painters Mill Rd.
See Plat
Location of Sign along S.W. Cor. Reisterstown & Painters Mill Rd., another 200 ft. south of the 60 ft
S.S. & Painters Mill Rd. from intersection of another 200 ft. south of the 60 ft. S.S. & Painters Mill Rd.
Posted by George R. Hummel Date of return 10-29-52
Signature

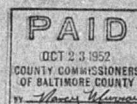
October 23, 1952

\$31.00

RECEIVED OF Michael Paul Smith, Attorney for James G. Saffell, et al, petitioners, the sum of Thirty Four (\$34.00) Dollars being cost of petition for reclassification, advertising and posting property, southwest corner of Reisterstown and Painters Mill Roads, 4th District.

Zoning Commissioner

Hearing:
Monday, Nov. 10, 1952
at 11:00 a.m.
basement of
Reckord Building
Towson Md.

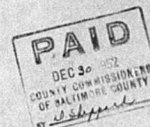


December 30, 1952

\$22.00

RECEIVED of James C. L. Anderson, Attorney for Protestants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner rendered in the matter of petition for reclassification of property of James G. Saffell, et al, south side of Painters Mill Road, 4th District.

Zoning Commissioner



NO PLAT
IN
THIS FOLDER